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REMARKS

If the proposed amendments are entered, claims 1, 25, 26, 27, 44, 45, and 50 will have been amended, no claims will have been canceled, and no claims will have been added as new claims. Thus, claims 1-27 and 44-52 would remain pending in this application. No new matter has been added by the proposed amendments.

Claim Rejections under 35 U.S.C. §102

Claims 1, 3, 4, 6-20, 24-27, and 44

Claims 1, 3, 4, 6-20, 24-27, and 44 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,336,178 to Kaplan (Kaplan '178).

Applicants' proposed amendments further clarify that the wall of the radially expandable fluid delivery device is "... formed of a microstructure of nodes interconnected by fibrils ..." and that the "... wall of the member includes at least one microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the micro-channels, substantially controlling the permeation of fluid through the wall." See independent claims 1, 26, and 44, *see also* similar language in claims 25 and 27. Applicants further distinguish the claimed invention from Kaplan '178 according to the following remarks.

Claims 1, 3, 4, 6-20, 24-27, and 44 Are Novel In View Of Kaplan '178 Because Kaplan '178 Does Not Contain Micro-Channels In The Wall Of The Expandable Body Through Which Fluid Can Permeate

Applicants respectfully submit that the micro-porous structure of the present invention is formed of micro-channels created by the micro-structure of the walls of the

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expandable member. This is in contrast to Kaplan '178, which contains pores along delivery conduits placed *outside* of the wall of the expandable member. Kaplan '178 does not teach a fluid expanding the expandable member and permeating through the walls of the member to outside of the member. Instead, the actual wall of Kaplan '178 serves only as a base for mounting a series of conduits.

Claims 1-4, 6-10, 13-20, 24-27, and 44-49

Claims 1-4, 6-10, 13-20, 24-27, and 44-49 were also rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5, 843, 069 to Butler (Butler '069).

Claims 1-4, 6-10, 13-20, 24-27, and 44-49 Are Novel With Respect To Butler '069 Because There Is No Disclosure In Butler '069 Of A Fluid Permeable Wall Of Micro-Channels

Applicants wish to further clarify the present invention as claimed in claims 1, 25, 26, 27, 44, and 45, and its novelty with respect to Butler '069. Claims 1, 25, 26, 27, 44, and 45 claim that the wall of the member includes at least one microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the micro-channels, substantially controlling the permeation of fluid through the wall. See claims 1, 25, 26, 27, 44, and 45. There is no disclosure in Butler '069 of a device wherein walls are formed of a microporous structure creating micro-channels through which fluid permeation can occur in a controlled manner.

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Claim Rejections under 35 U.S.C. §103

Claims 5, 21-23, and 50-52

Claims 5, 21-23, and 50-52 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Butler '069. As discussed above, the addition of Butler '069 does not result in a teaching of all claimed elements in the proposed claims. Absent a teaching of all of the claimed elements, there can be no obviousness rejection.

The Proposed Claims Are Allowable

In light of the above comments, applicants respectfully submit that the claims of the present invention, as amended, are not anticipated by, and are non-obvious in view of, the cited references. Therefore, Applicants submit that the proposed amendments would result in allowable claims.

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CONCLUSION

Attached hereto is a marked-up version of any changes made to the Specification and/or Claims by the current Amendment. The attached page is captioned "Version With Markings To Show Changes Made".

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1, 25, 26, 27, 44, 45, and 50 are proposed for amendment as follows:

1. (Twice Amended) A radially expandable fluid delivery device comprising:

a member constructed of a biocompatible material, the member having a longitudinal axis and a wall having a thickness extending between an inner and an outer surface, the wall being formed of a microstructure of nodes interconnected by fibrils, the member being deployable from a first, reduced diameter configuration to a second, increased diameter configuration,

wherein the wall of the member includes at least one microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the wall, spaces micro-channels, between the nodes substantially controlling the permeation of fluid through the wall.

25. (Twice Amended) An expandable drug delivery device comprising:

a member constructed of a biocompatible fluoropolymer material, the member having a longitudinal axis and a wall having a thickness extending between an inner and an outer surface, the wall being formed of a microstructure of nodes interconnected by fibrils, the member being deployable from a first, reduced diameter configuration to a second, increased diameter configuration upon application of an expansion force to the lumen, at least a portion of the wall having nodes oriented such that spaces between the nodes form generally aligned micro-channels oriented and extending from the inner surface to the outer surface of the wall, the micro-channels being sized to permit fluid including a therapeutic agent to expand the drug delivery device and permeate from the inner surface to the outer surface of the wall.

26. (Twice Amended) A radially expandable fluid delivery device comprising:

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a member constructed of a biocompatible fluoropolymer material, the member having a longitudinal axis and a wall having a thickness extending between an inner and an outer surface, the wall being formed of a microstructure of nodes interconnected by fibrils, the member being deployable from a first, reduced diameter configuration to a second, increased diameter configuration upon application of an expansion force,

wherein the wall of the member includes a first microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the wall, and a second microporous portion of micro-channels formed by the microstructure spaced apart from the first microporous portion and having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the wall.

27. (Twice Amended) A radially expandable fluid delivery device comprising:

a member constructed of a biocompatible fluoropolymer material, the tubular member having a longitudinal axis and a wall having a thickness extending between an inner and an outer surface, the wall being formed of a microstructure of nodes interconnected by fibrils, the member being deployable from a first, reduced diameter configuration to a second, increased diameter configuration upon application of an expansion force from a fluid, the wall including a microporous portion having nodes oriented such that spaces between the nodes form micro-channels extending from the inner surface to the outer surface of the wall, the micro-channels being sized to permit a the fluid to permeate from the inner surface to the outer surface of the wall,

wherein the size of the micro-channels varies circumferentially about the tubular member to provide regions of greater porosity within the microporous portion.

44. (Twice Amended) A medical treatment device comprising:

a catheter having an elongated hollow tube defining an inflation lumen extending from a proximal end to a distal end, and

a balloon constructed of a biocompatible fluoropolymer material and attached to the distal end of the tube, the balloon having a wall having a thickness extending between

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an inner and an outer surface and a lumen in fluid communication with the inflation lumen of the catheter, the wall being formed of a microstructure of nodes interconnected by fibrils, the balloon being deployable from a first, reduced diameter configuration to a second, increased diameter configuration,

wherein the wall of the balloon includes at least one microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the medical treatment device and permeate through the wall, substantially all of the nodes within the microporous portion being oriented substantially perpendicular to the longitudinal axis of the balloon.

45. (Twice Amended) A radially expandable fluid delivery device having a longitudinal axis and a wall transverse to the longitudinal axis, the fluid delivery device comprising:

a first layer of biocompatible material being formed of a microstructure of nodes interconnected by fibrils, and

a second layer of biocompatible material being formed of a microstructure of nodes interconnected by fibrils, the second layer overlying the first layer, the wall of the fluid delivery device extending between an inner surface of the first layer and an outer surface of the second layer, the fluid delivery device being deployable from a first, reduced diameter configuration to a second, increased diameter configuration,

wherein the wall of the fluid delivery device is formed of at least one microporous portion having a porosity sufficient for a fluid to permeate through the wall, substantially all of the nodes within the microporous portion being oriented such that spaces between the nodes form generally aligned micro-channels oriented and extending from the inner surface of the first layer to the outer surface of the second layer, the micro-channels being sized to permit fluid to expand the fluid delivery device and permeate from the inner surface of the first layer to the outer surface of the second layer.

50. (Twice Amended) A radially expandable fluid delivery device comprising:

a member constructed of a biocompatible material, the member having a longitudinal axis and a wall being formed of a microstructure of nodes interconnected by

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fibrils, the member being deployable from a first, reduced diameter configuration to a second, increased diameter configuration,

wherein the wall of the member includes at least one microporous portion of micro-channels formed by the microstructure having a porosity sufficient for a fluid to expand the fluid delivery device and permeate through the wall, the microporous portion having a hydraulic conductivity less than $1000 \text{ (cm}^4 / (\text{dyne} \cdot \text{s}) \cdot 10^{12})$.